THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO. 2033 OF 2005.

DATED: 19-10-2005

Between

Jawaharlal Nehru Technological

University, Kukatpally, Hyderabad

Rep. By its Registrar

….Appellant

And

S.Krishna Murthy Son of Ramanaiah,

Aged Aboout 55 yrs, Rtd. Senior Asst.,

JNT University, Hyderabad r/o Hyderabad.

…Respondent

–

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellant is the university which seeks to assail the order allowing the writ petition filed at the instance of the respondent herein, setting aside the order of suspension passed against him as long back as in the year 1994.

The main ground urged on behalf of the appellant is that by setting aside the said order, the management is deprived of taking any action in regard thereto under rule 53 of the A.P. Fundamental Rules. It is also further pointed out that since the respondent had filed contempt application in regard to finalization of benefits which he is entitled to, it will be very difficult for the appellant to take any decision.

These contentions are sought to be repelled by the respondent on the ground that though the respondent was kept under suspension for more than ten years, no action has been taken even though an enquiry was conducted in the year 1995. It is also further pointed out that ultimately the respondent retired from service on 30-06-2005 after attaining the age of superannuation. It is also brought to the notice of this Court that the respondent was reinstated after one year in pursuance of the interim orders granted by this Court.

Having considered the submissions made and on perusal of record, it is seen that the learned single Judge set aside the order of suspension mainly on the ground of lapse of time and no action being taken. Even the chequered events would amply show the lathes and the intentional attitude on the part of the appellant in not taking any action as contemplated under the law and ultimately the respondent was kept under suspension for the last ten years. Even though an enquiry was conducted, no action has been taken. Further, in view of the interim orders passed by this Court, the respondent was reinstated and he retired from service on 30-06-2005. In view of the aforesaid circumstances, we do not find any justification in the submissions made on behalf of the appellant and there are no merits in the appeal warranting any interference by this Court.

Accordingly, the writ appeal is dismissed. No costs.

B.PRAKASH RAO, J

Dated: 19-10-2005.

Hsd

G.YETHIRAJULU, J